

Attorney's Docket No.: 15838-211001

OFFICIAL COMMUNICATION**FACSIMILE****FOR THE PERSONAL ATTENTION OF:****OFFICE OF PETITIONS****U.S. PATENT & TRADEMARK OFFICE****FAX NO: 703-308-6916**

Number of pages including this page 7

Applicant : Stephen D. Bruce et al.

Serial No. : 09/491,721

Filed : January 27, 2000

Art Unit : 1771

Examiner : Jeremy R. Pierce

FACSIMILE COMMUNICATION

Title : TEAR RESISTANT ELASTIC LAMINATE AND METHOD OF FORMING

MAIL STOP PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450


FAX RECEIVED**OCT 23 2003****PETITIONS OFFICE**

Sir:

Attached to this facsimile communication cover sheet is a Renewed Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action Under 37 C.F.R. 1.181, faxed this 23rd day of October, 2003, to Office of Petitions, the United States Patent and Trademark Office.

Respectfully submitted,

Date: October 23, 2003


P. Weston Musselman, Jr.
Reg. No. 31,644

Fish & Richardson P.C.
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PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/491,721
		Filing Date	January 27, 2000
		First Named Inventor	Stephen D. Bruce et al.
		Art Unit	1771
		Examiner Name	Jeremy R. Pierce
Total Number of Pages In This Submission	8	Attorney Docket Number	15838-211001

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Acknowledgement Postcard
Remarks <div style="text-align: center;"> FAX RECEIVED OCT 23 2003 PETITIONS OFFICE </div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	P. Weston Musselman, Jr. Reg. No. 31,644
Signature	<i>P. Weston Musselman, Jr.</i>
Date	October 23, 2003

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Pat Bradford		
Signature	<i>Pat Bradford</i>	Date	October 23, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney's Docket No.: 15838-211001 / 233USPT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Stephen D. Bruce et al. Art Unit : 1771
Serial No. : 09/491,721 Examiner : Jeremy R. Pierce
Filed : January 27, 2000
Title : TEAR RESISTANT ELASTIC LAMINATE AND METHOD OF FORMING

MAIL STOP PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION UNDER 37 C.F.R. 1.181

This is in response to paper number 16 mailed September 30, 2003 dismissing the petition mailed on September 8, 2003. Applicant is submitting this renewed petition to clarify that P. Weston Musselman, Jr., registration number 31,644: was the attorney of record and empowered with the authority to prosecute the application (serial number 09/491,721) on December 9, 2002. Furthermore, counsel for applicant as of December 9, 2002, affirmatively states that the notice mailed on December 9, 2002 was not received.

For clarification, the attorney of record on December 9, 2002 was:

P. Weston Musselman, Jr.
Reg. No. 31,644
Jenkins & Gilchrist
1445 Ross Avenue, Suite 4300
Dallas, Texas 75202

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CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

OCTOBER 23, 2003
Date of Transmission
Pat Bradford
Signature
PAT BRADFORD
Typed or Printed Name of Person Signing Certificate

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Signature
PAT BRADFORD
Typed or Printed Name of Person Signing Certificate

Applicant : Stephen D. Bruce et al.
Serial No. : 09/491,721
Filed : January 27, 2000
Page : 2 of 2

Attorney's Docket No.: 15838-211001 / 233USPT

The current attorney of record is the same person at the following address:

P. Weston Musselman, Jr.
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5000 Bank One Center
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Dallas, Texas 75201

A review of the file will indicate that P. Weston Musselman, Jr. has been the attorney of record for the life of this file. Therefore, the prior petition should be granted such that the abandonment is withdrawn as required under 37 C.F.R. 1.181

Attached hereto and incorporated herein by reference is a copy of the petition mailed September 8, 2003 with Exhibit A. Counsel for applicant hereby reaffirms the statements made in the petition mailed September 8, 2003.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: October 23, 2003

P. Weston Musselman, Jr.
P. Weston Musselman, Jr.
Reg. No. 31,644

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Stephen D. Bruce et al. Art Unit : 1771
Serial No. : 09/491,721 Examiner : J. Pierce
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Title : TEAR RESISTANT ELASTIC LAMINATE AND METHOD OF FORMING

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PETITIONS OFFICE

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION (MPEP 711.03(c)II)**

Pursuant to MPEP 711.03(c)II and in response to the Notice of Abandonment mailed July 31, 2003, Applicant hereby petitions to withdraw the holding of abandonment of the above-mentioned application. The application was abandoned for failure to respond to the Office Action mailed on December 9, 2002. An adequate showing of the cause of delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR §1.137(a) was unavoidable, is set forth below.

Jenkins & Gilchrist, P.C, never received the Office Action mailed on December 9, 2002. A search of the file jacket and docket records confirms that the Office communication was not received. Attached as Exhibit A is a copy of the Jenkins & Gilchrist, P.C. docket record where the non-received Office communication would have been entered had it been docketed. Exhibit A is thus "a copy of the docket report showing all replies docketed for a date three months from the mail date of the non-received Office Action", as the communication would have been docketed due March 9, 2003 if it had been received. Due to the fact that Jenkins & Gilchrist, P.C. manages thousands of U.S. and foreign patent files, a hand written log of due dates is not kept.

Counsel for Applicant promptly contacted Examiner Jeremy Pierce upon receipt of the Notice of Abandonment (which was forwarded by Applicant's former law firm) and received a copy of the Office Action from him on August 25th. During the nine (9) business days

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EV315554185USSeptember 8, 2003

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Attorney's Docket : 8-211001 / 233USPT

(excluding holidays and weekends) between August 25th and the filing date of this Petition, counsel for Applicant reported the substance of the Office Action to its client, Applicant reviewed the Office action and provided instructions to its counsel, Applicant's counsel reviewed the Office Action and drafted a suitable reply thereto, and there were multiple communications with Jenkins & Gilchrist, P.C. to establish the conditions upon which the necessary docket printout would be provided, as Applicant's counsel is no longer with Jenkins & Gilchrist, P.C. Based on the foregoing evidence, Applicant submits that the entire delay was unavoidable. Therefore, Applicant requests that the abandonment be withdrawn and that the enclosed Office Action Response be accepted as a response to the Office letter mailed December 9, 2002.

In the interest of expediting prosecution of this application, a response to the outstanding Office Action, including a Request for Continued Examination, is being filed herewith.

Enclosed is a check for \$110.00 to cover the fee for this petition as well as a check for \$750.00 to cover the RCE fee. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: September 8, 2003

P. Weston Musselman, Jr.
P. Weston Musselman, Jr.
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PATENT ACTIONS DUE REPORT

007

ActionDueDate	DocketNumber	ApplicationNumber	PatentNumber	AttorneyName
ActionDescription	CountryName	ApplicationDate	GrantDate	ClientName

03/10/2003

Rejection response filed	34648-00407USPT United States	REG X NAT 08/06/1428 04/16/1998		Stanley R. Moore Ericsson Patent Unit Radio Network
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Title MULTIPLE FREQUENCY REALLOCATIONS IN AN AUTOMATED FREQUENCY ALLOCATION ENVIRONMENT

Advisory Action	34645-00355USPT United States	REG ORG NAT 08/09/4586 12/19/1997	6580910 06/17/2003	Stanley R. Moore Ericsson Patent Unit Research
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Title METHOD AND SYSTEM FOR IMPROVING HANDOFFS IN CELLULAR MOBILE RADIO SYSTEMS

Report Criteria ((ActionDueDate) Between '3/9/2003' AND '3/10/2003') AND ((CountryName) In ('United States')) AND ((ActionDescription) In ('Resp 4th OA filed', 'Response 1st OA Filed', 'Response 2nd OA filed', 'Response to 3rd OA filed', 'Final rejection filed', 'Advisory Action', 'Rejection response filed'))

Order by ActionDueDate

Record Count 3